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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ORANGE

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In the Matter of the Application of
MICHAEL HOPPS, 93A9618,

DECISION & ORDER

INDEX NO. 4787/2016

Petitioner,

For a Judgment Pursuant to Article 78
Of the Civil Practice Law and Rules

-against-

NEW YORK STATE BOARD OF PAROLE,

Respondent.
-----X

P R E S E N T : HON. ELAINE SLOBOD, JSC

The following sets of papers numbered 1 to 3 were considered on the petitioner's application for a judgment annulling the determination of the Parole Board, which denied him parole, and granting him a de novo hearing:

Order to show cause; petition and exhibits A-G	1,2
Answer and return and exhibits 1-13 (exhibits 2, 3 and 11 submitted separately for in camera review)	3

Upon review of the foregoing, it is hereby ORDERED that the petitioner's application for a de novo hearing is granted. The petitioner's de novo hearing shall be before a different board.

Denial of parole cannot be based upon the seriousness of the petitioner's underlying offense alone. See *Ramirez v Evans*, 118 AD3d 707 (2d Dept 2014). In this case, if there was some other factor relied upon by the board, it was not articulated in the board's decision.

This decision constitutes the order of the Court.

E N T E R

Dated: April 25, 2017
Goshen, New York

Elaine Slobod
HON. ELAINE SLOBOD, JSC

MICHAEL HOPPS, 93A9618
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